

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JAMAR POWELL,

Plaintiff,

**ORDER**

- against -

No. 23-CV-9513 (CS)

JOHN DOE, CORRECTIONAL OFFICER;  
JOHN DOE, CORRECTIONAL OFFICER,

Defendants.  
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Seibel, J.

*Pro se* Plaintiff Jamar Powell commenced this lawsuit on October 26, 2023, while he was incarcerated. (ECF No. 1.) In the complaint form, he acknowledged his obligation to keep the Court informed as to his address and his understanding that failure to do so might result in dismissal. (*Id.* at 6.) On November 29, 2023, he submitted a change of address form that included a street address in the Bronx but no zip code. (ECF No. 5.)<sup>1</sup> On December 18, 2023, I dismissed the claims against the State of New York and Fishkill Correctional Facility, and I ordered Plaintiff to provide, within 30 days of the order, more descriptive information about the John Doe correctional officers that he sought to sue. (*See* ECF No. 8.) The order was mailed to the address Plaintiff had provided, (*see* Dec. 20, 2023 mailing receipt), and has not been returned, but Plaintiff did not comply with that order. On January 24, 2024, on my own motion, I granted Plaintiff an extension until February 7, 2024 to comply with the December 18, 2023 Order, warning that the case could not proceed if he did not do so, and that if he did not do so, I

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<sup>1</sup> The change of address form listed Plaintiff's new address as 1443 Leland Street, Apt. 1, Bronx, NY. (ECF No. 5.)

would dismiss the case under Federal Rule of Civil Procedure Rule 41 for failure to prosecute. (*See* ECF No. 10.) This order was mailed to Plaintiff at the address he had provided, except that, in what appears to be a mistake by someone in the office of the Clerk of Court, the mailing used the zip code of the facility in which Plaintiff had been housed at the time he filed the case. (*See* Jan. 26, 2024 mailing receipt.)

By February 15, 2024, Plaintiff had still not complied with either of the December or January orders. Realizing that Plaintiff may not have received those orders because the Court did not have his correct zip code on file, I granted Plaintiff until March 18, 2024 to comply, again warning Plaintiff that a failure to do so may result in a dismissal without prejudice under Rule 41. (*See* ECF No. 11.) That order was mailed to Plaintiff at the address he had provided, this time using the zip code that numerous real estate websites associate with 1443 Leland Avenue in the Bronx. (*See* Feb. 16, 2024 mailing receipt.) Plaintiff has not responded to any of the three orders. On March 22, 2024, the January 24, 2024 Order was returned to the Clerk's Office as undeliverable and unable to be forwarded, (*see* Docket Entry dated March 22, 2024), and was remailed with what the Court believed to be the proper zip code, (*see* March 29, 2024 mailing receipt).

In an excess of caution before dismissing the case under Rule 41, I asked my courtroom deputy to call Plaintiff. On June 24, 2024, my courtroom deputy called the phone number listed in ECF No. 5<sup>2</sup> and spoke with Plaintiff, who told him that he had moved to a new address without having informed the Court. Plaintiff provided his current address – 601 Prospect Avenue Bronx, New York 10455 – which is different from the address that he listed in his November 2023 change of address form. (*See* ECF No. 5.) He also provided a new phone

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<sup>2</sup> The docket lists an incorrect phone number containing a typo.

number: (646) 796-2864. I remind Plaintiff that it is his duty to keep the Court informed about his current address, (*see* ECF No. 1 at 6), and going forward the Court will not spend time to track him down. Because the Court does not know when Plaintiff moved to the 601 Prospect Avenue address, Plaintiff may not have received the December 18, 2023 Order or the subsequent orders that the Court has mailed since then. In an excess of caution, the Court will again send a copy of the December 18, 2023 Order, and Plaintiff may have until July 25, 2024 to provide the information required by that Order. Failure to do so may, without further notice, result in dismissal without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41.

The Clerk of Court is respectfully directed to mail a copy of this Order and the December 18, 2023 Order, (ECF No. 8), to Jamar Powell 601 Prospect Avenue Bronx, New York 10455. The Clerk is further directed to update the docket to reflect that address as Plaintiff's address and to reflect (646) 796-2864 as his phone number.

**SO ORDERED.**

Dated: June 24, 2024  
White Plains, New York

  
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CATHY SEIBEL, U.S.D.J.